

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CORDELL OSCAR JACKSON, #170-092

Petitioner

:

v.

:

Civil Action No. L-07-1567

D. KENNETH HORNING

:

Respondent

...oOo...

MEMORANDUM

Pending is a pro se petition for writ of habeas corpus filed by Cordell Oscar Jackson (“Jackson”), an inmate at the Maryland Correctional Training Center. Because it is successive, Jackson’s 28 U.S.C. § 2254 Petition will be DISMISSED without prejudice.

I. Background

This is Jackson’s third federal habeas challenge to his 1983 state conviction in the Circuit Court for Anne Arundel County for first degree rape. See Jackson v. Smith, et al., L-93-0338 (D. Md) and Jackson v. Stouffer, L-05-1089 (D. Md.). He is serving a life sentence. Jackson’s first § 2254 petition was denied in 1994 and his second was dismissed as successive in 2005. See id.

II. Analysis

Jackson may file a second or successive habeas corpus petition only if he has obtained an order from the United States District Court for the Fourth Circuit authorizing this district court to consider his application. See 28 U.S.C. § 2244(b)(3)(A). Jackson has failed to comply with the procedural requirements for a second or successive petition, and this motion must be dismissed for lack of jurisdiction.

See Evans v. Smith, 220 F.3d 306, 325 (4th Cir. 2000).¹

III. Conclusion

Absent the necessary authorization, the Petition will be dismissed without prejudice for lack of jurisdiction.

Dated this 11th day of July, 2007.

/s/ _____
Benson Everett Legg
Chief Judge

¹ Having determined this a second § 2254 petition, the Court need not consider whether it is timely.

